

applicants pointed out in paper No. 14 (the response dated September 16, 1999) that the '085 reference is clearly not a statutory bar and that, in any event, applicant had established that the '085 disclosure was not prior to the invention of claim 84 by applicants. This was done by submission of a Declaration under Rule 131, which was submitted therewith. In paper No. 14, applicants then clearly established the nature of the evidence submitted under Rule 131, and the inapplicability of the '085 reference hereagainst under § 102(b). Certainly rejection under any section of § 102, including § 102(e) would not be appropriate. Indeed, in the subsequent official action dated December 9, 1999, rejection over the '085 reference was withdrawn.

It is therefore respectfully submitted that, since the present rejection is inappropriate, it should be withdrawn, and such action is therefore respectfully solicited. That being the case, it is again submitted that claims 84 and 85 are clearly in condition for allowance, and such action is respectfully solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Respectfully submitted,

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